



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/004,294	10/24/2001	Steven Foster	60,130-1226	9265

26096 7590 02/10/2003

CARLSON, GASKEY & OLDS, P.C.  
400 WEST MAPLE ROAD  
SUITE 350  
BIRMINGHAM, MI 48009

EXAMINER

NGUYEN, TRINH T


ART UNIT PAPER NUMBER

3726

DATE MAILED: 02/10/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

N.K.

<b>Office Action Summary</b>	Application No. <b>10/004,294</b>	Applicant(s) <b>Foster et al.</b>	
	Examiner <b>Trinh Nguyen</b>	Art Unit <b>3726</b>	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on the Amendment dated 11/25/02.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 16-35 is/are pending in the application.
- 4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 16-35 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some\* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                              | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____  |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)          | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____ | 6) <input type="checkbox"/> Other:  |

Art Unit:

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 16-19, 21, and 23 are rejected under 35 U.S.C. 102(b) as being anticipated by Stein et al. (US 5,582,789).

For claims 16 and 18, Stein et al. disclose a method of forming a vehicle panel having the steps of placing a layer of colored material (30) in a mold (22) to form an outer layer, placing by injecting a layer of polymeric material (20) in the mold to form a central layer, integrally molding the layer of colored material and the layer of polymeric material as one piece to form a generally flat vehicle panel (note that Stein's finished panel is used in the automotive industry which would included either door and/or wall and/or trailer panel), and mounting the vehicle panel to a superstructure frame (note that Stein's finished panel would be inherently mounted onto a superstructure frame of a vehicle).

For claim 17, note that Stein's method discloses placing an inner layer (10) into the mold prior to placing a layer of polymeric material (20) in the mold.

For claim 19, note that Stein's outer layer comprises a paintless polymer film.

Art Unit:

For claim 21, note that Stein's polymeric material includes reinforcing fibers (see lines 25-44 of col. 2).

For claim 23, note that Stein's inner layer comprises a polymeric material (see lines 15-20 of col. 2).

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 20 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stein et al. (US 5,582,789).

Regarding the specific limitations that the outer layer comprises a prepainted aluminum and the inner layer comprises a metallic material as claimed in claims 20 and 22, it would have been obvious to one of ordinary skill in the art to have made the outer layer out of prepainted aluminum and the inner layer out of metallic material, since it has been held to be within the general skill of an artisan to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice. Furthermore, as shown in lines 13-20 of page 4 of the specification, it is noted that different types of materials can be used alternatively and/or interchangeably for each of the layers (i.e., inner and/or outer layers). Therefore, whether the

Art Unit:

outer layer is a prepainted aluminum and/or the inner layer is a metallic material is a matter of material design choice.

5. Claims 24, 25, 29, and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stein et al. (US 5,582,789) in view of Morrison et al. (US 5,824,251).

Stein et al. disclose most of the limitations as claimed except for: 1) injecting a layer of insulation into the mold and injecting a structural support layer into the mold for forming at least one rib; and 2) forming at least one wiring conduit and at least one electrical outlet in the panel.

Regarding 1), Morrison et al. teach a method of forming a vehicle panel wherein the method comprises injecting a layer of insulation into the mold (see lines 5-8 of col. 4) and injecting a structural support layer (40) into the mold for forming at least one rib (46, 47)(see lines 9-20 of col. 4). It would have been obvious to one of ordinary skill in the art to have modified Stein's method so as to include Morrison's method of injection a layer of insulation and structural support layer into the mold, in light of Morrison's teaching, in order to provide an additional support for the panel and thus increase the overall structural integrity.

Regarding 2), Morrison et al. teach a method of forming a vehicle panel wherein the method comprises forming at least one wiring conduit and at least one electrical outlet in the panel (see lines 21-27 of col. 4). It would have been obvious in view of one ordinary skill in the art to have modified Stein's method so as to include Morrison's method of forming wiring conduit and electrical outlet, in light of Morrison's teaching, in order to provide the necessary openings for wiring procedures.

Art Unit:

6. Claims 26-28, and 31-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stein et al. (US 5,582,789) in view of Sjostedt et al. (US 5,403,062).

For claims 26-28, Stein et al. disclose most of the claimed invention except for: 1) forming male (i.e., a groove) and female (i.e., a tongue) members in the superstructure frame or the panel and inserting the female member into the male member; and 2) forming receiving holes in support beams of the superstructure frame and mounting threaded fasteners to the panel and inserting the fasteners into the receiving holes.

Regarding 1), Sjostedt et al. teach a vehicle body having a superstructure frame with multiple support beams and a plurality of panels wherein female and male members (e.g., 562 as shown in Figure 11 can be considered as a tongue/female member and 274 can be considered as a groove/male member) are being used for connecting the superstructure frame and the panels together. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the method of Sjostedt so as to include the use of tongue and groove for the attachment of structural members (i.e., the superstructure frame and the panels) together, as suggested in Sjostedt et al., in order to provide a more efficient way to interconnect a plurality of structural members together and thus optimize the overall structural integrity.

Regarding 2), Sjostedt et al. teach a vehicle body having a superstructure frame with multiple support beams and a plurality of panels wherein receiving holes and threaded fasteners are being used for connecting the support beams and the panels together. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified

Art Unit:

the method of Sjostedt so as to include the use of receiving holes and threaded fasteners for the attachment of structural members (i.e., the support beams and the panels) together, as suggested in Sjostedt et al., in order to provide a more efficient way to interconnect a plurality of structural members together and thus optimize the overall structural integrity.

For claims 31-33, Stein et al. disclose most of the claimed invention except for the repeating steps to form multiple vehicle panels. However, it is noted that repeating process steps to form multiple components/panels would be inherently performed within a manufacturing process in order to form/create multiple components/panels.

For claims 34 and 35, Stein et al. disclose most of the claimed invention except for providing superstructure frame with multiple support beams having a plurality of installation positions, which have first and second mounts thereon. Sjostedt et al. teach a vehicle body having a superstructure frame with multiple support beams having a plurality of installation positions, which have first and second mounts thereon to secure the panels to the superstructure frame (see Figures 1, 7, 9, 19, 38-41, 29, 45, 46). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the method of Rohrlach so as to include a superstructure frame with multiple support beams having a plurality of installation positions, which have first and second mounts thereon to secure the panels to the superstructure frame, as suggested in Sjostedt et al., in order to provide a more efficient way to interconnect a plurality of structural members together and thus optimize the overall structural integrity.

Art Unit:

*Response to Arguments*

7. Applicant's arguments with respect to claims 16-35 have been considered but are moot in view of the new ground(s) of rejection.

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

9. Official documents related to the instant application may be submitted to the Technology Center 3700 mail center by facsimile at (703) 305-3579/3580.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-1148.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Trinh Nguyen whose telephone number is (703) 306-9082.



Application/Control Number: 10/004294

Page 8

Art Unit:

John A. Ruhl  
Au 3721

ttn

February 9, 2003